



Appeal Decision

Site visit made on 22 May 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2023

Appeal Ref: APP/H5390/W/22/3311179

20 Ellingham Road, Hammersmith And Fulham, London W12 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs David & Francesca Horwood against London Borough of Hammersmith and Fulham.
 - The application Ref 2022/00829/FUL, is dated 22 March 2022.
 - The development proposed is a part single, part two storey side extension to the existing rear annex with a second floor mansard extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part two storey side extension to the existing rear annex with a second floor mansard extension at 20 Ellingham Road, Hammersmith And Fulham, London W12 9PR in accordance with the terms of the application, Ref 2022/00829/FUL, dated 22 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The original application was superseded by drawings submitted in July 2022, which were formally accepted by the Council, showing a reduction in the height of the single storey extension. A further set of drawings was submitted on 3 November 2022 proposing a reduction in the extent of the second-floor mansard extension. The later proposals differ significantly to those that had originally been submitted to the Council, and on which the views of interested parties were sought. They were only submitted to the Council 12 days before the appeal was lodged, and there is no evidence that they were the subject of any publicity. Consequently, my consideration of them would deny those who should have been consulted through the planning application process the opportunity of such consultation. I have therefore determined the appeal on the basis of the plans submitted to the Council in July 2022.

Main Issues

3. The appeal arises from the Council's failure to make a decision on the application. The Council has submitted a statement setting out how it would have determined the application. Based on this statement and all the evidence before me, I consider that the main issues are:
 - a) The effect of the development on the character and appearance of the building and surrounding area; and,

- b) The effect of the development on the living conditions of the occupants of 18 Ellingham Road, with regard to outlook and light.

Reasons

Character and appearance

4. Ellingham Road is straight and lined with pollarded street trees. The two-storey houses on either side of the road are arranged in terraces, broken by intermittent narrow gaps. The buildings are set behind small enclosed front gardens, and are of brick construction with slate roofs and decorative chimney stacks. There is a significant degree of symmetry in the ornate detailing of the parapeted bay windows, and decorative window surrounds. The high architectural quality of the houses, combined with their cohesive design, and the greenery of the street trees and gardens gives the road a distinct character and a sense of place.
5. The houses run parallel with those in Percy Road, with the space in between comprising the rear gardens of the opposing terraces. The rear elevations of the houses are not, therefore, readily visible. Even where there are gaps between the end-terraced houses in Ellingham Road, their paired rear outshots are conjoined, with a parapet roof bridging the gap. Consequently, there are no street-level views through to the rear gardens. Therefore, apart from a limited vantage point across an open car-parking area from Batson Street, views of the rear elevations of the buildings in Ellingham Road are restricted to the private gardens and windows of the surrounding houses. They therefore do not make a significant contribution to the character and appearance of the wider area.
6. The appeal property has a flat-roofed two-storey rear projection, which is half a storey lower than the accommodation in the main house. It is set away from the boundary with No 18, but is attached to the similar extension to the back of No 22. This pattern of paired rear extensions, with gaps in between, is repeated along the terrace, so there is a degree of symmetry. The proposed increase in the width of the rear projection would result in it being wider than the adjoining extension, and would reduce the gap to the paired extension at Nos 16/18. The reduction in the gap would only amount to 0.7 metres, so would not result in any discernible disruption to the rhythm of the rear extensions. In any event, the evidence demonstrates that there is already some variety in the spacing, height and extent of the projections. Bearing in mind the lack of any wide public viewpoints from which the extensions can be seen together, this minor increase in width would not result in any harm to the character of the area.
7. The proposed mansard roof would cover the entirety of the widened rear projection, so would significantly increase its height and bulk. However, its apparent scale would be reduced, as its sloping sides, and natural slate cladding would differentiate it, visually, from the two storeys below. Furthermore, the lower floor level of the rear element would result in the roof of the mansard being only a little higher than the eaves of the main part of the house. Consequently, it would not be out of proportion, or over dominant. The outshot would, therefore, remain a subservient element overall.
8. It is contended that the combined proposals would disrupt the unified form of the appeal property and the adjoining house at No 22. However, whilst there is currently a degree of symmetry, it is not readily apparent from any viewpoint.

Even when stood in the rear garden of the property, the abundant foliage provides such a screen that it is not possible to view the entirety of both rear elevations in juxtaposition. Consequently, any loss of symmetry would not be obvious in the wider context of the terrace, and would not be harmful to its appearance.

9. It has been put to me that there is a characteristic openness at the upper levels of the buildings near the appeal site, and that the mansard would therefore be an intrusive feature. Whilst there have been no additional storeys added to the rear projections in the immediate vicinity, there are a number of prominent dormer additions to the main roof slopes, including those at Nos 16/18, which are at a higher level. Viewed from Batson Street, there is no real sense of openness above the rear projections, and the dormer windows are prominent features. The proposed mansard would be visible from here, but it would be considerably lower than the adjacent dormers, which would still be seen as more dominant features beyond. It would not, therefore, be particularly evident in the street scene. In any event, I noticed a number of similar roof additions in the locality, so it would not be out of keeping with its wider context.
10. The proposed single storey lean-to conservatory would be in the recess between the extensions at Nos 18 and 20, so would not be readily visible from any public viewpoint. Even from neighbouring gardens, it would be largely hidden by the existing boundary walls and vegetation. Consequently, it would not have any noticeable impact on the visual amenity of the area.
11. To conclude on this issue, the scale of the proposed extensions would not dominate the host property, and there would be little discernible visual disruption of the wider terrace. The proposals would not, therefore, harm the character and appearance of the building and surrounding area. Consequently, the development would accord with Policies DC1, DC2 and DC4 of the Hammersmith & Fulham Local Plan (2018) (the Local Plan). Taken together, these policies seek to ensure that alterations and extensions to buildings are of a high standard of design that respects and enhances its townscape context. The development would also accord with the aims of Section 12 of the National Planning Policy Framework to achieve well-designed places.

Living conditions

12. No 18 Ellingham Road adjoins the appeal property, and the core buildings have common front and rear building lines, with continuous eaves and ridges. It has a similar flat roofed two-storey projection at the rear, set away from the appeal site boundary, and extending a little further. This outshot has a similar roof height but, unlike the appeal property, it is used as a terrace, so is surrounded by metal railings, giving it a more dominant presence. There are windows in the core building at ground, first and second floor levels close to the boundary, and there are also ground and first floor windows in the side elevation of the rear extension, which look towards the appeal site. Given this close relationship, and the orientation of the properties, with No 18 lying to the north, there is potential for the enlargement of No 20 to result in a loss of light or outlook for occupants of No 18.
13. Policy HO11 of the Local Plan says that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on daylight and sunlight to rooms in adjoining properties, or on outlook from

their windows. The policy refers to the Planning Guidance Supplementary Planning Document (2018) (the SPD), which provides further guidance on these issues.

14. The increase in the width of the rear extension would reduce the angle of outlook from the windows in the rear elevation of the core element of No 18. However, as the increase in width would only be 0.7 metres, the impact would not be significant. The appellants' evidence, which has not been contested, demonstrates that the two-storey extension would reduce the angle of unobstructed visibility from these windows by 4°, which represents 11.1%. This is within the guidance set out in Key Principle HS7(i) of the SPD, which advises that outlook should not be reduced by more than 15%. The appellants' calculation does not include the single storey extension, which would be located lower than the windows in question, so would not affect outlook from them. The increased width of the rear extension would not, therefore, result in a significant reduction in outlook from the rear windows of No 18.
15. Key Principle HS7(i) also considers the impact of an extension to the roof of an existing back addition, as is proposed in this case. In these circumstances, an unobstructed angle of 45° should be achieved for any ground floor window to a habitable room in the neighbouring rear extension, where it is the sole window to that room. In this case, the evidence indicates that the ground floor room in the neighbouring rear extension is also served by a window in the end elevation. Consequently, light and outlook are also available to the west, and this would be unaffected by the proposal. In any event, the appellants' evidence demonstrates that a 45° angle would be achieved from the side-facing kitchen window around the two-storey extension. Consequently, the impact on light and outlook reaching this room would not be significantly affected.
16. It is contended that the proposal would breach the 45° line for the window in the rear of the core part of the building. However, this is already the case, and it has been demonstrated that the reduction of 4° would accord with the SPD advice. The appellants' evidence also demonstrates that a vertical angle of 45° would be achieved over the extension, when measured from the centre of the window. The SPD guidance makes it clear that the 45° angle should be achieved either over, or around the back addition. Furthermore, the evidence indicates that this window is not the sole window serving this room. All of these factors lead me to conclude that any loss of light to, or outlook from, this window would not be unduly harmful.
17. The mansard addition would result in the loss of some visible sky from the first-floor window in the side elevation of the neighbouring extension. However, the 45° angle advised in the SPD would be achieved both over and around the roof extension in this case, so there would still be a satisfactory level of light reaching the window, and an acceptable degree of outlook for occupants of the room. Furthermore, the evidence indicates that the first-floor window in the rear elevation also serves this room, so there is an alternative source of light and outlook that would be unaffected.
18. The single storey extension to the side of the back addition would not extend above a height of two metres on the boundary with No 18, and its roof slope would not exceed 45°. It would, therefore, accord with the advice in Key Principle HS7(ii) of the SPD. It has been drawn to my attention that a

Certificate of Lawfulness has been granted for a single storey extension which, if considered cumulatively with that now proposed, would result in a total projection of more than 3.5 metres from the rear wall of the core building. It is suggested that this would be contrary to Key Principle HS4 of the SPD. However, Key Principle HS4 aims to limit projections beyond the rear building line of the property as it was originally built. In this case, the evidence indicates that the rear outshot is part of the original building, and the extensions proposed would not extend further back than it already does. I therefore see no conflict with the SPD advice in this regard.

19. For these reasons, I find that the development would not have a harmful impact on the living conditions of the occupants of 18 Ellingham Road, with regard to outlook and light. The proposal would, therefore, accord with Policies DC4 and HO11 of the Local Plan and the guidance in Key Principle HS7 of the SPD, which seek to ensure that development proposals respect the principles of good neighbourliness.

Other Matters

20. Concerns have been raised regarding the impact of the proposal on flood risk. The application site lies within the Environment Agency's Flood Zone 3 and, in accordance with Policy CC3 of the Local Plan, a Flood Risk Assessment (FRA) was submitted with the application. The FRA confirmed that floor levels would be no lower than existing, and flood resilient methods of construction would be employed. The Council's expert advisers raised no objection to the application. The proposal would not result in any increase in the amount of hard surfacing on the site, so no additional rainwater run-off would be generated. Consequently, there is no evidence to suggest that there would be any increase in the likelihood of flooding for adjacent or nearby properties.

Conditions

21. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters, and the appellant has not contested any of these. Nevertheless, I have considered them against the advice in the Planning Practice Guidance. Where I have agreed that they meet the relevant tests, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
22. It is necessary, in the interests of maintaining the character and appearance of the area to ensure that suitable external materials are used, so I have imposed a condition requiring these to be submitted for approval. To ensure that the proposal does not lead to an increase in overlooking of No 18, I agree that a condition securing obscure glazing in the side-facing rooflights is reasonable and necessary. To ensure that occupants are safe from potential flood risk, I have imposed a condition requiring the development to be carried out in accordance with the submitted FRA.
23. I have found the Council's suggested conditions prohibiting the use of the roof as a terrace, or the addition of structures to the roof, to be unnecessary, as Condition 2 requires development to be carried out in accordance with the approved plans. Any future proposals would require further planning permission from the Council, unless they constituted permitted development

under The Town and Country Planning (General Permitted Development) (England) Order 2015, which has conditions and limitations that safeguard residential amenity and the external appearance of development.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E01 – Location and site plans; E02 – Existing Ground Floor Plan; E03 – Existing First Floor Plan; E04 – Existing Second Floor Plan; E05 – Existing Roof Plan; E06 – Existing Front Elevation; E07 – Existing Rear Elevation; E08 – Existing Side (South) elevation; E09 – Existing Side (North) elevation; P02.0 – Proposed Ground Floor Plan; P03.0 – Proposed First Floor Plan; P04.0 – Proposed Second floor plan; P05.0 – Proposed Roof Plan; P06.0 – Proposed Front Elevation; P07.0 Rev A – Proposed Rear and side Elevations; P08.0 – Proposed side (South) elevation; P09.0 Rev B– Proposed side (North) elevation.
- 3) Development shall not proceed above damp-proof course level until details/samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) The development shall be carried out in accordance with the details contained in the Flood Risk Assessment submitted with the application. No part of the development hereby permitted shall be occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.
- 5) The second-floor mansard extension hereby permitted shall not be occupied until the two rooflights at second floor level in the side elevation have been fitted with obscured glazing, and no part of those rooflights that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the rooflights are installed and, once installed, the obscured glazing shall be permanently retained thereafter.